

AUG-01-2005(MON) 15:28

RECEIVED
CENTRAL FAX CENTER
AUG 01 2005

P. 001/006

496 KINDERKAMACK ROAD, ORADELL, NJ 07649
201-599-0588—(FAX) 201-599-0179

JOEL & JOEL, LLP

Fax

To: EXAMINER Alexander R. From: RICHARD A. JOEL, ESQ. (Reg. No. 22212)

Fax: 571-273-8300 Pages: 6

Phone: Date: 8/1/05

Re: SN: 10/708,472 (VERTICAL GRILL)
RACK)
ATTY DOCKET NO: P04-265-BAT

Urgent

For Review

Please Comment

Please Reply

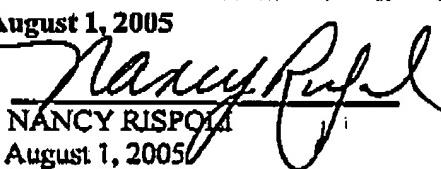
Please Recycle

• Comments:

Attached please find reply to communication of 7/29/05. Kindly submit same accordingly. Thank you

RECEIVED
CENTRAL FAX CENTER

AUG 01 2005

IN RE APPLICATION OF	
JOHN BATTAGLIA & JAMES D'AMATO	
SERIAL NUMBER	PILED
10/708,472	5/27/04
PDR	
VERTICAL GRILL RACK	
GRP. ART UNIT	EXAMINER
1761	ALEXANDER, R
CERTIFICATE OF MAILING	ATTORNEY DOCKET NO: 104-265-BAT
<p>I hereby certify that the REPLY TO THE COMMUNICATION OF July 29, 2005; notice of non-compliant amendment; claims; are being facsimile transmitted to the PATENT AND TRADEMARK OFFICE (Fax No.: 571-273-8300) August 1, 2005</p>  <p>NANCY RISPOLI August 1, 2005</p>	



UNITED STATES PATENT AND TRADEMARK OFFICE

10/708,472

COMMISSIONER FOR PATENTS
 UNITED STATES PATENT AND TRADEMARK OFFICE
 P.O. Box 1450
 ALEXANDRIA, VA 22313-1450
[www.uspto.gov](http://uspto.gov)

**Failure to Acceptably Respond to
 Notice of Non-Compliant Amendment (37 CFR 1.121)
*No New Time Period for Reply is Provided***

The amendment document filed on 7/14/05 fails to provide the corrective action required by the prior Notice of Non-Compliant Amendment (37 CFR 1.121) mailed on _____. The amendment, including both the originally filed amendment and the amendment filed in response to the prior notice, is still considered to be non-compliant under 37 CFR 1.121. In order for the amendment document to be compliant, correction of the item(s) listed below is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

The period for reply continues to run from the mailing date of the prior Notice of Non-Compliant Amendment. The corrections listed below must be timely filed to avoid abandonment of the application. No new time period for reply is provided in this communication. See the Manual of Patent Examining Procedure (MPEP) § 714.03.

If the period for reply set forth in the prior Notice of Non-Compliant Amendment has expired, this application will become abandoned unless applicant: (1) corrects the deficiency, and (2) obtains an extension of time under 37 CFR 1.136(a). In no case may an applicant reply outside the SIX (6) MONTHS statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in the prior Notice of Non-Compliant Amendment (37 CFR 1.121).

THE FOLLOWING CHECKED (Q) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- 1. Amendments to the specification:
 - A. Amended paragraph(s) do not include markings.
 - B. New paragraph(s) should not be underlined.
 - C. Other _____
 - 2. Abstract:
 - A. Not presented on a separate sheet. 37 CFR 1.72.
 - B. Other _____
 - 3. Amendments to the drawings: _____
 - 4. Amendments to the claims:
 - A. A complete listing of all of the claims is not present.
 - B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following 7 status identifiers: (Original), (Currently amended), (Cancelled), (Withdrawn), (Previously presented), (New) and (Not entered).
 - D. The claims of this amendment paper have not been presented in ascending numerical order.
 - E. Other: *Amended claims pre-gard for more than five characters and double bracket pre-used for five or fewer characters.*
- for further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/patent/forms/official-forms.html#121>.*
- Amended claims pre-gard for more than five characters and double bracket pre-used for five or fewer characters.*
- Telephone No. 571-272-0992*
- Supervisory Legal Instruments Examiner (SLIE)*

Rev. 7/04

BEST AVAILABLE COPY